

REMARKS

Claims

Claims 65-101 are pending in the application. Claims 65-101 have been rejected. Claims 1-64, 102 were previously canceled without prejudice. Claims 66 and 81 have been canceled in this response. Claims 65, 67, 80, and 92 have been amended.

35 U.S.C. § 102(a) Anticipation Rejections

Anticipation Rejection Based on European Patent EP 185125 A1 to Sato et al.

Claims 65-67, 69-71, 78-81, 83-85, 90-93, 95-97, 100, and 101 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Sato et al. (EP 185125 A1). Applicant respectfully traverses this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant submits that the Sato reference does not and cannot anticipate under 35 U.S.C. § 102 the presently claimed invention of independent claims 65, 80, and 92, and claims 66, 67, 69, 70, 78, 79, 81, 83, 90, 91, 93, 95, 96, 100, and 101 variously depending therefrom, because the Sato reference does not describe, either expressly or inherently, the identical inventions in as complete detail as are contained in the claims.

Sato discloses a system for providing multicast service and information distribution. (Title) An information distribution control device manages multicast service by means of a multicast channel information table. The multicast channel information table contains information about the relationship between multicast group addresses for identifying multicast information channels, transmission channels, and information channel numbers managed by a

radio base station. (Para. 0111) The multicast group addresses for identifying the multicast information channels that provide distribution services are used to identify the contents of the distribution services, and are the same as multicast address used by IGMP. (Para. 0112) When all radio terminals that receive the multicast information no longer wish to continue receiving the service, the multicast service is discontinued. (Para. 0135) A service continuation check signal corresponding to the flag state reset signal and a response signal corresponding to the service continuation request signal are sent to the radio base station in order to continue receiving the multicast service. (Para. 0136) If a service continuation request is not received within a predetermined period the multicast service is terminated. (Para. 0137, 0138) When the radio terminal moves to a coverage area of a different radio base station it is necessary to include information which indicates the new radio base station in the switching request signal. (Para. 0180) When the radio terminal moves from one radio zone to another, it transmits a distribution request to the new radio base station. (Para. 0182)

Claims 65 and 102

Applicants respectfully submit that the Sato reference does not and cannot anticipate Applicants' amended claim 65 because the Sato reference does not disclose the limitation "providing a service ID to identify a broadcast service, wherein the service ID uniquely identifies a broadcast service among one or more broadcast services from a common content server on a common radio channel". Sato is silent regarding multiple multicast services broadcast from the same content server on the same radio channel. The Examiner states "...Sato does teach service ID that identifies a broadcast service (see EP reference para 186 and Fig. 25, each program title does identify a different program (i.e., broadcast service). Applicants respectfully disagree. Paragraph 186 reads as follows:

In the multicast management table shown in FIG. 25, the radio base station number on first column is information which indicates the radio base stations 110-1 through 110-7. The radio base station numbers 1 through 7 are related with the respective radio base stations 110-1 through 110-7. The program name on second column is information which indicates each multicast data. The IP address (multicast address) particular to a program name is related with each multicast data. In the example of FIG. 25, the radio base

station 110-1 distributes three sorts of multicast data, and the radio base station 110-7 distributes two sorts of multicast data.

A service ID is not equivalent to a service name. As stated in [1065] of Applicants' disclosure, more than one service name may be associated with the BCMCS_ID. The service name is merely the name of the service provided by the content server. A service name and radio channel number, which comprise two elements, are not equivalent to the single service ID found in claim 65. Therefore, Applicants respectfully request that the rejection of claim 65 be withdrawn.

The Examiner also states in the "Response to Arguments" that "...it is noted that the features upon which applicant relies (i.e., distinguishing between two multicast services broadcast from the same content server on the same radio channel) nor (identifying a multicast service broadcast from two different content servers) are not recited in the rejected claims." Applicants submit that the features noted are recited in the rejected claims, in particular, "distinguishing between two multicast services broadcast from the same content server on the same radio channel". The claim limitation reads: "...wherein the service ID uniquely identifies a broadcast service among one or more broadcast services from a common content server on a common radio channel" (emphasis added) In addition, the second limitation stated by the Examiner "identifying a multicast service broadcast from two different content servers" is not relied upon in the response to the rejection of claim 65.

The Office Action also states that claim 102 is rejected on the same grounds as claim 65. However, Applicants note that claim 102 was previously canceled and request that the rejection be withdrawn.

Claims 66 and 67

Claim 66 was canceled in the previous response and Applicants request that this rejection be withdrawn.

Claim 67 is allowable as depending directly from an allowable independent claim.

Claims 69, 83, and 95

Claim 69 is allowable as depending directly or indirectly from an allowable independent claim. In addition, claim 69 is allowable for the following reason. The Examiner states that "...Sato teaches wherein the service ID is a globally unique service ID issued by a global issuer,

(EP reference para 15; servers 251, 252, and 253 issue a unique service ID to other servers)".

The cited paragraph reads as below:

Furthermore, a system shown in FIG. 4 can also be assumed for performing the above-mentioned radio provision of multicast information, for example. This example performs multicast service in an advanced radio calling system (FLEX-TD). In this system a radio base station 220 transmits multicast information provided from various servers 251, 252, and 253 via a public network NW by using a radio channel set for each set of multicast information regardless of whether or not radio terminals which desire the service belonging to a service area (radio zone) exist, in a broadcast-like manner. Each of the radio terminals 210(1), 210(2) and 210(3) can receive multicast information for which contract has been made previously. For example, the radio terminal 210(1) which made a contract for multicast information A can receive only the multicast information A from among multicast information A, B and C, the radio terminal 210(2) which made a contract for multicast information A and C can receive only the multicast information A and C, and the radio terminal 210(3) which made a contract for multicast information C can receive only the multicast information C.

Sato is silent regarding the limitation "wherein the service ID is a globally unique service ID issued by a global issuer". In fact, Sato is silent regarding any issuing mechanism, either local or global. Therefore, Applicants respectfully request that the rejection of claims 69, 83, and 95 be withdrawn.

Claims 83 and 95 are allowable for the reasons given above for claim 69.

Claims 70, 78, 90, and 100

Claims 70, 78, 90, and 100 are allowable as depending directly or indirectly from an allowable independent claim.

Claims 79, 91, and 101

Claims 79, 91, and 101 are allowable as depending directly or indirectly from an allowable independent claim.

Claim 80

Applicants submit that claim 80 is allowable because Sato does not teach or disclose the following limitations: "receiving a second service ID that identifies a second broadcast service

received by a neighboring base station sector, wherein the second service ID that identifies a second broadcast service received by a neighboring base station sector, wherein the second service ID uniquely identifies a broadcast service among one or more broadcast services from a content server on a common radio channel”; as found in amended claim 80. As noted above, Sato is silent regarding broadcast services from a content server on a common radio channel. Sato accomplishes handoff between base stations or sectors by means of a switching request. (Para. 0204). Without the switching request, upon transfer to a new base station or sector, the multicast transmission will terminate because the timer for the switching request will time out. (Para. 0180). In order to continue receiving the multicast service from a new radio base station a distribution request must be sent by the mobile terminal. (Para. 0182) Applicants respectfully submit that the features of Sato described above do not read on the stated limitations as found in Applicants’ amended claim 80. In addition, claim 80 is allowable for the reasons given above for claim 65. Therefore, Applicants respectfully request that the rejection be withdrawn.

Claims 81 and 93

Claims 81 and 93 were canceled in the previous response and Applicants request that these rejections be withdrawn.

Claims 84 and 96

Claims 84 and 96 are allowable as depending directly from allowable base claims.

Claim 92

Claim 92 is allowable for the reasons given for claims 65 and 80.

Therefore, the Sato reference cannot anticipate under 35 U.S.C. § 102 Applicant’s invention as presently claimed in independent claims 65, 80, and 92 and claims 66, 67, 69, 70, 78, 79, 83, 84, 90, 91, 95, 96, 100, and 101 respectively depending therefrom. Accordingly, such claims are allowable over the cited reference and Applicant respectfully requests that such rejections be withdrawn.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on European Patent EP 185125 A1 to Sato et al. in view of U.S. Patent Publication 2002/0102967 to Chang et al

Claims 68, 72-75, 77, 82, 86-88, 94, 98, and 99 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato et al. (European Patent EP 185125A1) in view of Chang et al. (U.S. Patent Publication 2002/0102967). Applicant respectfully traverses this rejection, as hereinafter set forth.

The nonobviousness of independent claim 65 precludes a rejection of claims 68, 72-75, and 77 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, Applicant again requests that the Examiner withdraw the rejection to independent claim 65 and claims 68, 72-75, and 77 which depend therefrom.

The nonobviousness of independent claim 80 precludes a rejection of claims 82 and 86-88 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, Applicant again requests that the Examiner withdraw the rejection to independent claim 80 and claims 82 and 86-88 which depend therefrom.

The nonobviousness of independent claim 13 precludes a rejection of claims 14-16 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, Applicant again requests that the Examiner withdraw the rejection to independent claim 13 and claims 14-16 which depends therefrom.

The nonobviousness of independent claim 92 precludes a rejection of claims 94, 98, and 99 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, Applicant again requests that the Examiner withdraw the rejection to independent claim 92 and claims 94, 98, and 99 which depend therefrom.

Obviousness Rejection Based on European Patent EP 185125 A1 to Sato et al. in view of U.S. Patent 6,826,176 to Siddiqui et al

Claims 71, 76, 85, 89, and 97 stand rejected under 35 U.S.C. § 103(a) as being

unpatentable over Sato et al. (European Patent EP 185125A1) in view of Siddiqui et al. (U.S. Patent 6,826,176). Applicant respectfully traverses this rejection, as hereinafter set forth.

The nonobviousness of independent claim 65 precludes a rejection of claims 71 and 76 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, Applicant again requests that the Examiner withdraw the rejection to independent claim 65 and claims 71 and 76 which depend therefrom.

The nonobviousness of independent claim 80 precludes a rejection of claims 85 and 89 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, Applicant again requests that the Examiner withdraw the rejection to independent claim 80 and claims 85 and 89 which depend therefrom.

The nonobviousness of independent claim 92 precludes a rejection of claim 97 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, Applicant again requests that the Examiner withdraw the rejection to independent claim 92 and claim 97 which depends therefrom.

ENTRY OF AMENDMENTS

The proposed amendment to claim 26 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search. Finally, if the Examiner determines that the amendments do not place the application in condition for allowance, entry is respectfully requested upon filing of a Notice of Appeal herein.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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